

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANNETTE J. DEMOR, <i>as guardian</i>	)	
<i>of the person and Estates of</i>	)	
VINCENT J. DEMOR,	)	Civil Action No. 2:12-1636
Plaintiff,	)	Magistrate Judge Cynthia Reed Eddy
	)	
v.	)	
	)	
DANIEL BURNS, DOMENIC	)	
MAZZOCCA, CHRISTOPHER	)	
HANDERHAN, MICHAEL MCKEOWN,	)	
JONATHAN BILLINGS, <i>individually and</i>	)	
<i>in their official capacities,</i>	)	
ALLEGHENY COUNTY,	)	
DANA PHILLIPS, <i>individually</i>	)	
<i>and in her official capacity as Chief</i>	)	
<i>Operating Officer of Allegheny</i>	)	
<i>Correctional Health Services, Inc., and</i>	)	
ALLEGHENY CORRECTIONAL	)	
HEALTH SERVICES, INC.,	)	
Defendants	)	

**ORDER STRIKING CERTIFICATE OF COMPLIANCE (ECF NO. 75) IN PART**

On August 15, 2014, this Court entered an Order (ECF No. 74) granting Plaintiff's Motion to Compel Scheduling of the Deposition of Norberto A. Rodriquez, M.D. and Motion for Sanctions (ECF No. 73). The Order required the following:

1. Counsel for ACHS Stanley Winikoff, Esquire shall inform counsel for the Plaintiff Vincent Demor of the date and time of the deposition of Norberto A. Rodriquez by Monday, August 18, 2014;
2. That deposition shall be scheduled on one of the following dates: August 28, 2014, September 2, 2014, September 3, 2014 or September 4, 2014;
3. If the deposition of Dr. Rodriquez is scheduled in Phoenix, Arizona, Mr. Winikoff shall reimburse Gary M. Lang, Esquire for all reasonable travel and lodging expenses; and
4. Mr. Winikoff shall confer with Mr. Lang or his office **forthwith** regarding a reasonable time and location for the deposition of Mr. Rodriquez.

5. On or before August 19, 2014, by close of business, Mr. Winikoff shall file a Certificate of Compliance with Court Order of August 15, 2014. The Certificate of Compliance shall specify the manner in which Mr. Winikoff satisfied each of the Court's directives.

Order (ECF No. 74), at 5-6.

Mr. Winikoff filed a document purporting to be a Certificate of Compliance on August 19, 2014. (ECF No. 75). However, the Court does not consider this document to be an actual Certificate of Compliance *with this Court's specific directives*. In large part, it appears to be a *response* to the Motion to Compel (ECF No. 73). Mr. Winikoff had several occasions to respond to the Motion to Compel (in fact, he was ordered to do so) and he chose not to respond directly. Moreover, such responses are untimely.

Therefore, to the extent the Certificate of Compliance recites facts and makes statements and arguments responsive to the Motion to Compel, *see* Certificate of Compliance, (ECF No. 75) at ¶1-¶11, said Certificate is HEREBY STRICKEN.

The Certificate of Compliance also requests an enlargement of time until August 21, 2014, to "finalize the deposition of Norberto Rodriguez." (ECF No. 75), at ¶ 19. As counsel is aware, requests for enlargements of time should be made by motion, should indicate whether opposing counsel objects or consents, and should be accompanied by a proposed order of court. Accordingly, the Court will not grant the requested enlargement at this time, but will consider a properly filed motion and, if Plaintiff's counsel consents, the Court will grant the request.

**IT IS SO ORDERED** this 20<sup>th</sup> day of August, 2014.

/s Cynthia Reed Eddy  
Cynthia Reed Eddy  
United States Magistrate Judge

cc: all counsel of record